

## SENATE BILL No. 253

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-10-3; IC 35-46-1-13.

**Synopsis:** Abuse of an endangered adult. Removes the requirement that the state department of health request assistance before the division of disability, aging, and rehabilitative services or adult protective services may investigate a report of an endangered adult residing in a health facility. Specifies that, for purposes of provision requiring adult protective services to immediately communicate to the state department of health a report of an endangered adult residing in a health facility, an endangered adult is not an adult who is an alcoholic or a drug abuser. Makes failing to report an abused endangered adult a Class B misdemeanor instead of a Class A infraction. Corrects statutory references.

**Effective:** July 1, 2004.

**Lawson C**

January 8, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 253

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-10-3-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) **Except as**  
3       **provided in subsection (b)**, as used in this chapter, "endangered adult"  
4       means an individual who is:

- 5               (1) at least eighteen (18) years of age;
- 6               (2) incapable by reason of mental illness, mental retardation,  
7               dementia, habitual drunkenness, excessive use of drugs, or other  
8               physical or mental incapacity of managing or directing the  
9               management of the individual's property or providing or directing  
10              the provision of self-care; and
- 11              (3) harmed or threatened with harm as a result of:
- 12                      (A) neglect;
- 13                      (B) battery; or
- 14                      (C) exploitation of the individual's personal services or  
15                      property.

16       (b) **For purposes of section 17 of this chapter, IC 35-42-2-1, and**  
17       **IC 35-46-1-13, "endangered adult" means an individual who is:**



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- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:

- (A) neglect; or

- (B) battery.

(c) An individual is not an endangered adult solely:

- (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or

- (2) on the basis of being physically unable to provide self care when appropriate care is being provided.

SECTION 2. IC 12-10-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. If an adult protective services unit receives a report alleging that an individual who is a resident of a facility licensed under IC 16-28 is an endangered adult, the adult protective services unit shall immediately communicate the report to the state department of health under IC 16-28-4-1. ~~The division or the adult protective services unit shall perform the other responsibilities concerning endangered adults under section 8 of this chapter only if the state department of health requests the assistance of the division or the adult protective services unit.~~

SECTION 3. IC 35-46-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) **As used in this section, "endangered adult" has the meaning set forth in IC 12-10-3-2(b).**

(b) A person who:

- (1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C); IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(2)(F); IC 35-42-2-1(a)(2)(E); and~~

- (2) **knowingly** fails to report the facts supporting that belief to the division of disability, aging, and rehabilitative services, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a ~~Class A infraction~~. **Class B misdemeanor.**

~~(b)~~ (c) An officer or employee of the division or adult protective

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1 services unit who unlawfully discloses information contained in the  
 2 records of the division of disability, aging, and rehabilitative services  
 3 under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C  
 4 infraction.

5 ~~(c)~~ (d) A law enforcement agency that receives a report that an  
 6 endangered adult is or may be a victim of battery, neglect, or  
 7 exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C)~~,  
 8 **IC 35-42-2-1(a)(2)(C)**, or ~~IC 35-42-2-1(2)(F)~~ **IC 35-42-2-1(a)(2)(E)**  
 9 shall immediately communicate the report to the adult protective  
 10 services unit designated under IC 12-10-3.

11 ~~(d)~~ (e) An individual who discharges, demotes, transfers, prepares  
 12 a negative work performance evaluation, reduces benefits, pay, or work  
 13 privileges, or takes other action to retaliate against an individual who  
 14 in good faith makes a report under IC 12-10-3-9 concerning an  
 15 endangered individual commits a Class A infraction.

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